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Attorneys for Plaintiffs,
K.C., by and through his Guardian ad Litem,
MYISCHA THOMPSON, and D.B., by and
through his Guardian ad Litem, LIBRA WHITE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

K.C., et al.,

Plaintiffs,

v.

TOWN OF ATHERTON, et al.,

Defendants.

Case No. 3:24-cv-00507

**STIPULATED REQUEST TO CONTINUE
SETTLEMENT CONFERENCE; ORDER**

Hon. Lisa J. Cisneros

Plaintiffs K.C., by and through his Guardian ad Litem, MYISCHA THOMPSON and D.B., by
and through his Guardian ad Litem, LIBRA WHITE (collectively “Plaintiffs”), Defendants SEQUOIA
UNION HIGH SCHOOL DISTRICT, STEPHEN EMMI and NICK MUYS (collectively “District

Defendants”) and Defendants TOWN OF ATHERTON, DIEGO ROMERO, DIMITRI ANDRUHA, IGOR DAVIDOVICH, and JOSHUA GATTO (collectively “Atherton Defendants”), by and through their counsel of record, hereby represent to the Court and stipulate as follows:

1. On January 26, 2024, Plaintiffs filed their Complaint in the above-captioned action against Defendants TOWN OF ATHERTON, DAVID METZGER, DIEGO ROMERO, IGOR DAVIDOWICH, JOSHUA GATTO, DIMITRI ANDRUHA and STEPHEN EMMI. (See Docket No. 1.)

2. On April 1, 2024, Plaintiffs filed their First Amended Complaint (“FAC”). (See Docket No. 12.)

3. The District Defendants filed a Motion to Dismiss the FAC on May 10, 2024, which Plaintiffs opposed. (See Docket No. 20.)

4. On October 15, 2024, the Court issued its order on the District Defendants’ Motion to Dismiss, denying the motion to dismiss and granting it in part. Plaintiff K.C. was given 21 days (i.e., until November 5, 2024) to file a Second Amended Complaint (“SAC”).

5. Plaintiffs filed a SAC on November 5, 2024. (See Docket No. 39.)

6. The District Defendants and the Town Defendants filed Answers to the SAC on November 19, 2024. (See Docket Nos. 45 and 46.)

7. An Initial Case Management Conference was held on December 18, 2024, during which time the court set the following case schedule:

Action	Deadline
Last day to amend the pleadings	2/21/2025
Last Day to Notice Depositions	10/17/2025
Close of Fact Discovery	11/21/2025
Initial Expert Reports	12/12/2025
Rebuttal Expert Reports due	1/9/2026
Close of Expert Discovery	1/23/2026
Dispositive Motions	2/10/2026
Dispositive Motion Hearing	Set for 3/17/2026 10:00 a.m.
Pretrial Conference set for 6/16/2026	Set for 6/16/2026 02:30 p.m.

Jury Selection/Jury Trial

Set for 7/13/2026 09:00 a.m.

8. On January 27, 2025, DISTRICT Defendants filed a motion to sever claims, which Plaintiffs opposed. (See Docket No. 50.)

9. On January 30, 2025, the Court held a telephonic pre-settlement conference with counsel for all parties. The Court set both September 26, 2025 and September 29, 2025 for separate in-person settlement conferences for each defendant entity (i.e., TOWN OF ATHERTON Defendants and SEQUOIA UNION HIGH SCHOOL DISTRICT Defendants), contemplating the possibility that the case may be severed into two actions. (See Docket Nos. 52 and 53.)

10. On March 11, 2025, the Court denied DISTRICT Defendants' motion to sever. (See Docket No. 62.)

11. On April 1, 2025, the Court set an in-person settlement conference for September 29, 2025 at 10:00 a.m. and vacated the settlement conference set for September 26, 2025. (See Docket No. 65.)

12. Following the Court's Order granting Plaintiffs leave to file a Third Amended Complaint ("TAC") (See Docket No. 70), Plaintiffs filed a TAC on June 11, 2025. (See Docket No. 71.)

13. On June 25, 2025, Defendants DISTRICT, MUYS, TOWN OF ATHERTON, DAVID METZGER, DIEGO ROMERO, IGOR DAVIDOWICH and JOSHUA GATTO filed Answers to the TAC. (See Docket Nos. 72 and 74.)

14. On June 25, 2025, Defendants EMMI and ANDRUHA each filed a Motion to Dismiss the TAC. (See Docket Nos. 73 and 75.) The hearings on both motions are presently set for September 2, 2025, at 10:00 a.m. Therefore, the pleadings are not yet settled.

15. Additionally, the parties have been working on, and continue to work towards, scheduling numerous depositions in this matter, including named defendants and witnesses.

16. Given the present status of the pleadings (i.e., that the pleadings are unsettled), and given the numerosity of defendants and witnesses to be deposed, the Parties filed a stipulation to continue case deadlines by 60 days on August 19, 2025.

17. The Court granted the parties' stipulation to continue case deadlines on August 20, 2025 and

rescheduled the case deadlines as follows:

Action	Original Deadline	New Deadline
Close of Fact Discovery	11/21/2025	1/20/2026
Initial Expert Reports	12/12/2025	2/10/2026
Rebuttal Expert Reports due	1/9/2026	3/10/2026
Close of Expert Discovery	1/23/2026	03/24/2026
Dispositive Motions	2/10/2026	4/10/2026
Dispositive Motion Hearing	Set for 3/17/2026 10:00 a.m.	5/19/2026 at 10:00 a.m.
Pretrial Conference	Set for 6/16/2026 02:30 p.m.	8/19/2026 at 2:30 p.m.
Jury Selection/Jury Trial	Set for 7/13/2026 09:00 a.m.	10/5/2026 at 9:00 a.m.

18. Plaintiff K.C.'s deposition was originally scheduled for July but was rescheduled to August 26th and 27th. Additional depositions of parties and witnesses are scheduled for September. Given that Defendants are public entities, Defendants will need appropriate time to evaluate the depositions and comply with necessary reporting requirements to obtain settlement authority in advance of any settlement conference and will be unable to comply with the same in advance of the currently-scheduled settlement conference.

19. Further, as fact discovery now closes on January 20, 2026, the parties stipulate and request that the Court continues the September 29, 2025 settlement conference to a date suitable for Honorable Judge Cisneros and the parties. The parties respectfully request a telephonic pre-settlement conference to arrange an agreeable date.

IT IS SO STIPULATED AND AGREED.

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2 Dated:

BURRIS NISENBAUM CURRY & LACY, LLP

3
4 By: /s/ Krithi Basu

5 JOHN L. BURRIS
6 CHRISTOPHER. A. DEAN
7 KRITHI BASU
8 Attorneys for Plaintiffs
9 K.C., by and through his Guardian ad Litem,
10 MYISCHA THOMPSON, and D.B., by and
11 through his Guardian ad Litem, LIBRA WHITE
12

13
14 Dated:

SPECIAL EDUCATION COLLABORATION
PROJECT

15
16 By: /s/ Evan Goldsen

17 EVAN GOLDSSEN
18 CARLY CHRISTOPHER
19 Attorneys for Plaintiffs
20 K.C., by and through his Guardian ad Litem,
21 MYISCHA THOMPSON, and D.B., by and
22 through his Guardian ad Litem, LIBRA WHITE
23

24
25 Dated:

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

26
27 By: /s/ Mika J. Frisk

28 Michael C. Wenzel
Mika J. Frisk
Sharon Borden
Attorneys for Defendants
SEQUOIA UNION HIGH SCHOOL DISTRICT,
STEPHEN EMMI and NICK MUYS

1
2 Dated:

HAWKINS PARNELL & YOUNG LLP

3
4
5 By: /s/ Danielle K. Lewis

DANIELLE K. LEWIS

Attorneys for Defendants

6 TOWN OF ATHERTON, DIEGO ROMERO,
7 DIMITRI ANDRUHA, IGOR DAVIDOVICH
8 (erroneously sued as Igor Davidowich), and
9 JOSHUA GATTO

10
11 **ATTORNEY ATTESTATION**

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
13 conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show
14 their signature on this document as /s/.

15
16 Dated: August 29, 2025

By: /s/ Krithi Basu

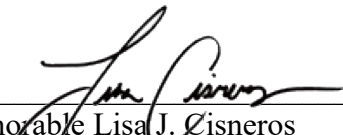
Krithi Basu

ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

The settlement conference set for September 29, 2025 at 10:00 a.m. is vacated. A telephonic pre-settlement conference is set for September 4, 2025 at 9:30 a.m. to schedule a continued settlement conference.

Dated: September 2, 2025



Honorable Lisa J. Cisneros
United States Magistrate Judge